TISHMAN REALTY & CONSTRUCTION CO., INC.

OFFICE CORRESPONDENCE

TO File DATE April 2, 1970

FROM J. R. Endler

SUBJECT World Trade Center - Asbestos Meeting, E.P.A. - April 1, 1970

On April 1, 1970 a meeting was called by the Environmental Protection Administration of New York City, and was held in the offices of Mr. Kretchmer. The meeting was attended by:

Messrs.	Neil Fabricant	- General Counsel, E.P.A.
	Guy F. Tozzoli	- Director, World Trade Department
	Patrick Falvey	- Ass't General Counsel, Port Authori
	R. Rickles	- Commissioner, DAR
	Ed Ferrand	- DAR
	M. M. Feldman	- Commissioner, DWR
	Wm. Reitze	- Mt. Sinai School of Medicine
	Harry Heimann	- " " " " "
	Wm. Nicholson	- " " " " "
	W. P. Raines	- Director, Public Relations, J-M
	L. Di Bono	- Mario & Di Bono
	J. R. Endler	- Vice President, Tishman.

PLAINTIFF'S EXHIBIT PX-560

1. Mr. Fabricant distributed copies of what he categorized as a "draft" of a letter addressed to Tishman and Mario & Di Bono incorporating proposed rules and regulations regarding application of asbestos-containing spray-on fireproofing. The rules were read aloud to the group by Mr. Reitze of Dr. Selikoff's staff.

2. Mr. Fabricant requested that we review the "draft" and indicate what modifications should be considered in order to make the rules applicable to <u>all</u> buildings, not just the World Trade Center.

3. Mr. Raines, the representative of Johns-Manville, suggested that no evidence had been conclusively presented to confirm the allegation that protective measures, generally in use, were not adequate to protect the general public. Mr. Fabricant wished to defer further comment on the scientific aspects of the problem and to concentrate on the problems of control during application.

4. Mr. Endler stated at this point that the "draft" was prepared in direct connection with the Trade Center project and solution

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developed for that project would probably not be applicable to other jobs due to the Center's unique design. He further stated it would be presumptive of us to critique the "draft" rules on the basis of representing the Industry, but rather recommended that the rules be reviewed by the appropriate Industry organizations whose members are directly affected.

5. Mr. Di Bono reiterated Mr. Endler's refusal to act for any segment of the Industry since the "draft" affected many interests not represented at the meeting. He further indicated that, since the efforts on the Trade Center to control this material during application were more elaborate and successful than on any other project, the attention of this group should be directed to other projects employing minimal or no protective procedures.

6. Dr. Selikoff's group confirmed the Trade Center was the best job from the point of view of results to date, but that the results were not sufficient.

7. Mr. Fabricant pressed again for a detailed review of the contents of the "draft", and both Mr. Endler and Mr. Di Bono indicated that, in general, the rules were unrealistic, failed to take into consideration normal job scheduling, sequencing and coordination, and were not practical.

8. Mr. Rickles of the Department of Air Resources suggested that contractors should be told what will be expected of them but not the procedure for achieving same.

9. Mr. Endler and Mr. Di Bono again objected to being asked to comment for the Construction Industry on rules that will affect the entire spectrum of the Building Trades. They suggested this Agency pose the questions asked at this meeting to a meeting attended by Industry and Labor groups representing all interests affected by the proposed regulations.

10. Mr. Fabricant indicated public hearings would be held in the future but that he would, hopefully, try to arrange to first meet with Industry groups such as BTEA, IBOA, Mr. Peter Brennan, representing Labor, Spray Mineral Fibers Applicators Association etc.

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11. Mr. Falvey of the Port Authority suggested that, to better permit the City to appreciate what had been done, an outline of the procedures followed by Mr. Di Bono will be immediately prepared and forwarded.

12. Mr. Tozzoli stressed that the installation program followed is a direct result of our extended and continuing consultation with Dr. Selikoff and his group, and that the suggestions made by the group have been incorporated into the current installation procedures. Should, upon review of the procedures, additional practical suggestions be offered, the Authority would certainly approve their incorporation into the program.

At this point the meeting was adjourned with the understanding that:

1. The Port Authority would submit an outline of current procedures on the Trade Center.

2. Industry and Labor will be contacted by the City to review the "draft" of Rules and Regulations, and

3. Mr. Falvey, upon leaving, informed Mr. Fabricant of the Authority's position regarding jurisdiction of the City over Authority construction projects.

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Distribution:

Mr. G. F. Tozzoli and Mr. P. J. Falvey only.